IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.22822 of 2004

Between:

Duvvuri Janardhan Reddy S/o Venkataramireddy
R/oMallam Village, Chittamur Mandal, Nellore District

..... PETITIONER

AND

1 The District Collector, Nellore District at Nellore
2 The Revenue Divisional Officer, Gudur Revenue Division, Tirupati,

Nellore District
3 The Mandal Revenue Officer, Chittamuru Mandal, Nellore District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly a Writ in the nature of Mandamus declaring the action of the respondents in trying to dispossess the petitioner from the land situate in S.Nos. 60/2A to 60/2N, 61/1A to 61/1G, 61/2A to 61/2G and 62/1A and 62/1B to an extent of 23.09 cents situate in Kothapalyam Village, Chittamur Mandal, Nellore District, without following the due procedure of law, and without even putting the petitioner on notice, as being illegal, arbitrary and violative of principles of natural justice and fair play besides violative of Articles 14, 21 and 300-A of the Constitution of India, and consequently direct the respondents not to interfere with my peaceful possession and enjoyment of my agricultural lands situate in S. No.s 60/2A to 60/2N, 61/1A to 61/1G, 61/2A to 61/2G and 62/1A and 62/1B to an extent of 23.09 cents situate in Kothapalyam Village, Chittamur Mandal, Nellore District.

Counsel for the Petitioner: MR.D.SESHADRI NAIDU

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

The petitioner claims to be owner and possessor of the land admeasuring total extent of Ac.23.09 cents situated in S.Nos.60/2A to 60/2N, 61/1A to 61/1G, 61/2A to 61/2G and 62/1A and 62/1B of Kothapalyam village, Chittamur Mandal, Nellore District, having purchased the same from various persons under different agreement of sales in the year 1994. It is stated that the authorities of the respondents came to his land on 06.12.2004 and demanded him to vacate the same on the ground that his vendors alienated the said land in violation of the conditions stipulated in the pattas granted, they are going to assume the same. The grievance of the petitioner is that without issuing any notice and following the due process contemplated under law, the respondents are trying to evict him from the subject lands. Hence, the present writ petition is filed.

On 09.12.2004, this Court while ordering notice directed to maintain status quo existing on the said date. Today when the matter is taken up learned Government Pleader for Revenue has reported
no instructions. However, both counsel agreed for disposal of the writ petition at the admission stage itself with a direction to the respondents to follow due process of law, before evicting the petitioner from the land in question.

In that view of the matter, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to the respondents to follow due process of law before evicting the petitioner from the land in question.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

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(N.V. RAMANA, J)

Date: 20.12.2004

Nsr/Tvk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Nellore District at Nellore
2 The Revenue Divisional Officer, Gudur Revenue Division, Tirupati,

Nellore District
3 The Mandal Revenue Officer, Chittamuru Mandal, Nellore District

4 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

5 Two CD copies.